

Applicant : Joseph A. Luongo
Serial No. : 10/598,310
Filed : June 25, 2008
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Attorney's Docket No.: W-392-02

REMARKS

Claims 1-5 and 10-13 are presented for examination. Claims 6-9 were canceled by prior amendment.

Information Disclosure Statements

Applicants again respectfully request that the Examiner provide initialed copies of the PTO form SB08 submitted with the information disclosure statement filed on September 27, 2011.

35 U.S.C. §§102 and 103

Claims 1, 2, 5, and 10-13 were rejected as being anticipated by U.S. Patent No. 6,216,581 (Murao). Claims 3 and 4 were rejected as being unpatentable over Murao in view of WIPO Publication No. WO 2005/042064 (Cook) as evidenced by U.S. Patent No. 6,609,883 (Woodard).

Claim 1 recites, in pertinent part, “a plunger is reciprocal in the chamber to cause fluid to enter the chamber through a fluid inlet opening and to discharge fluid from the chamber through a fluid discharge opening.” The applied art is not understood to disclose or to suggest at least these features of applicants’ claims.

In this regard, the Office Action apparently equated Murao’s piston 12 and push rod 13 with the plunger of applicants’ claims. And, based on the identification of the “first end wall” and the “second end wall” in the annotated figure at page 4 of the Office Action, applicants assume that the Office Action equated the interior of Murao’s cylinder tube 11, together with the space between the piston rod 13 and the internal surface of Murao’s load transistor 23, with the chamber of applicants’ claims. However, even assuming, without conceding, that such an interpretation of Murao could be considered accurate, Murao still fails to disclose or suggest “a plunger is reciprocal in the chamber to cause fluid to enter the chamber through a fluid inlet opening and to discharge fluid from the chamber through a fluid discharge opening.” To the

contrary, according to Murao “A fluid under pressure can be introduced into the interior of the cylinder tube 11 through ports (not shown) provided in the rod cover 14 and the cap cover 15 to cause the piston rod 13 to assume the retracted and extended positions respectively.”¹ That is, in contrast to the claimed configuration, Murao does not rely on the piston 12 and push rod 13 to move fluid into and out of the interior of the cylinder tube 11, but, instead, appears to rely on the movement of fluid into and out of the interior of the cylinder tube 11 to control displacement of the piston 12 and rod 13.

Nor would it have been obvious to modify Murao’s fluid cylinder assembly 1 in such a manner as to utilize the piston 12 and push rod 13 to move fluid into and out of the cylinder tube 11 since such modification would seem to be contrary the very teachings of Murao discussed above.

Furthermore, applicants respectfully submit that the interior of Murao’s cylinder tube 11 and the space between the piston rod 13 and the internal surface of Murao’s load transistor 23 cannot collectively be equated to a chamber. More specifically, the interior of Murao’s cylinder tube 11 and the piston rod 13 are separated by a seal 31, which apparently isolates fluid in the interior of Murao’s cylinder tube 11 from enclosed grease in the space between the piston rod 13 and the internal surface of Murao’s load transistor 23. Accordingly, since these two features appear to be isolated from each other, it seems that they cannot collectively be considered as a single chamber, but, instead, are more like two separate chambers. And, consequently, the first and second end walls, which according to applicants’ claims are features of the chamber, cannot be in the locations suggested in the annotated figure at page 4 of the Office Action.

In this regard, if the interior of Murao’s cylinder tube 11 is equated with the chamber of applicants’ claims, and the second end wall, rather than being at the bottom end of the internal surface of Murao’s load transistor 23, is instead at the bottom end of the interior of Murao’s cylinder tube 11, then Murao’s strain gauges (GU1, GU2, GU3, GU4) would not be disposed between the first and second end walls.

¹ See, e.g., Murao at col. 3, lines 9-13.

Alternatively, if the space between the piston rod 13 and the internal surface of Murao's load transistor 23 is equated with the chamber of applicants' claims, and the first end wall, rather than being at the top end of the interior of Murao's cylinder tube 11, is instead at the top of the internal surface of Murao's load transistor 23, then, even if Murao's strain gauges (GU1, GU2, GU3, GU4) could be considered as producing a signal indicative of fluid pressure in the cylinder tube, as suggested at pages 4-5 in the Office Action), they would still not be measuring fluid pressure in the "chamber;" i.e., the space between the piston rod 13 and the internal surface of Murao's load transistor 23 in this interpretation of the reference.

In addition, claim 10 requires "taking readings of the strain gauge as an indication of pressure in said chamber." These features are not understood to be disclosed or suggested by the cited art. In this regard, Murao's strain gauges GU are utilized for determining thrust of the piston rod 13 (see, e.g., Murao at col. 3, lines 31-38), and not fluid pressure. Accordingly, even if, as the office action seems to suggest, the thrust is a result of "[the] fluid under pressure ..." in the interior of the cylinder tube 11, the fluid pressure is still not what Murao's strain gauges are being used to detect. Nor is there any suggestion to modify Murao so as to utilize the strain gauges for the purpose of measuring fluid pressure in the cylinder tube.

The remaining art does not remedy the deficiencies of Murao discussed above. Accordingly, claims 1-5 and 10-13 are believed to be patentable over the applied art.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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In view of the foregoing remarks, applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 230503, referencing Attorney Docket No. W-392-US.

Respectfully submitted,

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